

104TH CONGRESS
1ST SESSION

H. R. 1882

To consolidate in the Administrator of General Services authorities relating to the control and utilization of excess and surplus property, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 1995

Mr. PETERSON of Minnesota introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committees on National Security, Science, International Relations, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To consolidate in the Administrator of General Services authorities relating to the control and utilization of excess and surplus property, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Surplus Prop-
5 erty Reform Act of 1995”.

1 **SEC. 2. SPECIAL AUTHORITIES OF SECRETARY OF DE-**
2 **FENSE REGARDING DISPOSAL OF EXCESS**
3 **AND SURPLUS PROPERTY.**

4 (a) SUPPORT OF COUNTER-DRUG ACTIVITIES.—Sec-
5 tion 1208 of the National Defense Authorization Act for
6 Fiscal Years 1990 and 1991 (Public Law 101-189; 10
7 U.S.C. 372 note) is repealed.

8 (b) SUPPORT FOR REGIONAL EQUIPMENT CEN-
9 TERS.—

10 (1) NEWPORT TOWNSHIP CENTER.—Section
11 210 of Public Law 101-302 (104 Stat. 220) is re-
12 pealed.

13 (2) CAMBRIA COUNTY CENTER.—Section 9148
14 of Public Law 102-396 (106 Stat. 1941) is re-
15 pealed.

16 (c) EXPANSION OF LIMITATION ON USE OF EXCESS
17 NONLETHAL SUPPLIES FOR INTERNATIONAL ASSISTANCE
18 PROGRAMS.—

19 (1) EXPANSION OF LIMITATION.—Section 2552
20 of title 10, United States Code, is amended to read
21 as follows:

1 **“§ 2552. Limitation on use of nonlethal excess sup-**
2 **plies from Department of Defense stocks**
3 **in foreign assistance, humanitarian as-**
4 **sistance, and military sales programs**

5 “(a) LIMITATION.—Nonlethal excess supplies from
6 the stocks of the Department of Defense may be trans-
7 ferred to a foreign country or international organization
8 pursuant to part II of the Foreign Assistance Act of 1961
9 (22 U.S.C. 2301 et seq.) or section 21 of the Arms Export
10 Control Act (22 U.S.C. 2761) or used for humanitarian
11 relief purposes under section 2547 of this title only if—

12 “(1) no department or agency of the Federal
13 Government (other than the Department of De-
14 fense), no State, and no other person or entity eligi-
15 ble to receive excess or surplus property under the
16 Federal Property and Administrative Services Act of
17 1949 (40 U.S.C. 472 et seq.) submits to the Admin-
18 istrator of General Services a request for the
19 nonlethal excess supplies; or

20 “(2) the President certifies to Congress that the
21 transfer is necessary in order to respond to an emer-
22 gency for which the nonlethal excess supplies are es-
23 pecially suited.

24 “(b) DEFINITION.—In this section, the term
25 ‘nonlethal excess supplies’ means property, other than real
26 property, of the Department of Defense—

1 “(1) that is excess property, as defined in regu-
2 lations of the Department of Defense; and

3 “(2) that is not a weapon, ammunition, or other
4 equipment or material that is designed to inflict seri-
5 ous bodily harm or death.”.

6 (2) CONFORMING AMENDMENT.—Section
7 2547(a) of such title is amended by striking “The
8 Secretary of Defense” and inserting “Subject to sec-
9 tion 2552 of this title, the Secretary of Defense”.

10 (3) CLERICAL AMENDMENT.—The table of con-
11 tents at the beginning of chapter 152 of such title
12 is amended by striking the item relating to section
13 2552 and inserting the following new item:

“2552. Limitation on use of nonlethal excess supplies from De-
fense stocks in foreign assistance, humanitarian assistance, and
military sales programs.”.

14 (d) ELIMINATION OF GENERAL DELEGATION TO
15 SECRETARY OF DEFENSE OF DISPOSAL AUTHORITY
16 OVER PERSONAL PROPERTY.—

17 (1) NATIONAL DEFENSE AUTHORIZATION ACT
18 FOR FISCAL YEAR 1995.—Effective as of October 5,
19 1994, section 2813 of the National Defense Author-
20 ization Act for Fiscal Year 1995 (Public Law 103–
21 337; 108 Stat. 3054) is amended by striking sub-
22 section (c).

23 (2) BASE CLOSURES UNDER 1988 ACT.—Section
24 204(b)(1) of the Defense Authorization Amendments

1 and Base Closure and Realignment Act (Public Law
2 100–526; 10 U.S.C. 2687 note) is amended—

3 (A) in subparagraph (A), by inserting “,
4 other than personal property,” after “excess
5 property”;

6 (B) in subparagraph (B), by inserting “,
7 other than personal property,” after “surplus
8 property”; and

9 (C) in subparagraph (C), by inserting be-
10 fore the period at the end the following: “,
11 other than such authority with respect to per-
12 sonal property”.

13 (3) BASE CLOSURES UNDER 1990 ACT.—Section
14 2905(b)(1) of the Defense Base Closure and Re-
15 alignment Act of 1990 (Public Law 101–510; 10
16 U.S.C. 2687 note) is amended—

17 (A) in subparagraph (A), by inserting “,
18 other than personal property,” after “excess
19 property”;

20 (B) in subparagraph (B), by inserting “,
21 other than personal property,” after “surplus
22 property”; and

23 (C) in subparagraph (C), by inserting be-
24 fore the period at the end the following: “,

1 other than such authority with respect to per-
2 sonal property”.

3 **SEC. 3. DEPARTMENT OF ENERGY SCIENCE EDUCATION EN-**
4 **HANCEMENT ACT AMENDMENT.**

5 Section 3166(b) of the Department of Energy
6 Science Education Enhancement Act (42 U.S.C.
7 7381c(b)) is amended—

8 (1) by striking paragraph (2); and

9 (2) by redesignating paragraphs (3) through
10 (6) as paragraphs (2) through (5), respectively.

11 **SEC. 4. REPEAL OF AUTHORITY TO TRANSFER SURPLUS**
12 **PROPERTY TO DISADVANTAGED SMALL BUSI-**
13 **NESS CONCERNS ON PRIORITY BASIS.**

14 Section 7(j)(13)(F) of the Small Business Act (15
15 U.S.C. 636(j)(13)(F)) is amended—

16 (1) in the first sentence by striking “or surplus
17 property”;

18 (2) in the second sentence by striking “or prop-
19 erty”;

20 (3) by striking the third sentence; and

21 (4) in the fourth sentence by striking “or prop-
22 erty”.

1 **SEC. 5. STEVENSON-WYDLER TECHNOLOGY INNOVATION**
2 **ACT OF 1980 AMENDMENT.**

3 (a) REPEAL.—Section 11(i) of the Stevenson-Wydler
4 Technology Innovation Act of 1980 (15 U.S.C. 3710(i))
5 is repealed.

6 (b) DELEGATION OF AUTHORITY TO DIRECTORS OF
7 FEDERAL LABORATORIES.—Section 203(j) of the Federal
8 Property and Administrative Services act of 1949 (40
9 U.S.C. 484(j)) is amended by adding at the end the follow-
10 ing new paragraph:

11 “(6) Under such regulations as the Administrator
12 may prescribe, the Administrator may delegate to the di-
13 rector of any Federal laboratory (as defined in section
14 12(d)(2) of the Stevenson-Wydler Technology Innovation
15 Act of 1980 (15 U.S.C. 3710a(d)(2))) the authority of the
16 Administrator under this subsection with respect to the
17 transfer and disposal of scientific and technical surplus
18 property under the management or control of that Federal
19 laboratory, if the director of the Federal laboratory cer-
20 tifies that the equipment is needed by an educational insti-
21 tution or nonprofit organization for the conduct of sci-
22 entific and technical education and research.”.

